

CERTIFICATE OF ELECTRONIC FILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being electronically filed with the U.S. Patent & Trademark Office on September 3, 2009.

/Nicole Pannoni/
Nicole Pannoni

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Robert E DVORKAK et al

Application No.: 09/755,635

Confirmation No.: 4822

Filed: 5 Jan 2001

Title: **METHOD AND APPARATUIS FOR
MODIFICATION OF BASIC GOOD
FORECASTS**

Group Art Unit: 3623

Examiner: Beth BOSWELL

CUSTOMER NO.: 22470

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INTERVIEW SUMMARY

Sir:

Applicants respectfully submit that the pending claims are now in condition for allowance and thereby solicit acceptance of the claims as now stated.

Applicants express their appreciation to Examiner Kardos for the courtesy of an interview on Thursday, September 3, 2009 at about 11 AM Pacific Time.

In advance of the interview, Applicants submitted a proposed agenda and highlighted version of claim 94 substantially as follows:

The focus of the interview will be finding allowable subject matter in this substantial and detailed application. We're very interested in your views on the patentable subject matter and appropriate emphasis of the claims. Below, please find an excerpt from claim 94, on which we'll focus, after discussing the context of the application. When we get to this claim, we'll focus on the emphasized progression of inputs that are used in planning. The inputs

create a structure that we don't find in the art of record and that is contrary to traditional shelf planning, a la Apollo planograms.

94. A computer-implemented method of improving the efficiency of planning presentations and simulating demand and stocking requirements for items placed in standard display fixture types used in stores having differing floor plans, including:

eliciting from a **first user a schedule of display fixtures**, to be used in a plurality of **stores having differing floor plans** and storing the schedule in a data structure stored in computer readable memory, wherein the resulting **schedule of named display fixtures** includes

fixture identifiers for a plurality of fixture types;

capacities of the fixture types to hold items; and

names for instances of a fixture type, hereinafter "named display fixtures", used to present the items;

eliciting from a **second user a store-by-store schedule of named display fixtures used in the stores**, wherein the stores have varying floor plans;

eliciting from a **third user a plan to stock the named display fixtures with items to be displayed, without requiring knowledge of the varying floor plans of the stores**, and storing the resulting stocking plan in a data structure stored in computer readable memory, wherein the stocking plan for the named display fixtures includes

presentation quantities of items required and

dates during which the items will be displayed at particular stores;

modeling

During the interview, we discussed the text of the application and the wording of claim 94. We focused on page 10 of the application. As a concrete example of using named display fixtures, we referred to the layout of a chain of health and beauty aid stores with deep, shallow and L-shaped floorplans. We hypothesized a chain of 500 stores. We referred to tables and shelves as different fixture types. Examples of named display fixtures might include "front table" or "floral fragrance assortment shelves".

We reviewed the three eliciting steps of claim 94. We discussed amendment of the names sub element of the first eliciting step and agreed on an amendment that appears to distinguish over the art of record. The agreed wording was:

names for instances of a fixture type that are used for particular groupings of product assortments, ~~[[¶]]~~ hereinafter “named display fixtures”, ~~[[¶]]~~ ~~used to present the items;~~

Applicants agreed to submit a response the outstanding office action by Tuesday, September 8. We will provide the Examiner with a copy of the response and amended claim 94, so he can efficiently give it consideration while our interview remains clearly in mind.

Applicants would welcome a further interview, if the Examiner is so inclined. The undersigned can ordinarily be reached at his office at (650) 712-0340 from 8:30 a.m. to 5:30 p.m. PST, Monday through Friday, and can be reached at his cell phone at (415) 902-6112 most other times.

Respectfully submitted,

Dated: September 3, 2009

/Ernest J. Beffel, Jr./
Ernest J. Beffel, Jr.
Registration No. 43,489

Haynes Beffel & Wolfeld LLP
P.O. Box 366
Half Moon Bay, CA 94019
Telephone: (650) 712-0340
Facsimile: (650) 712-0263